IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5105 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CHETANKUMAR TRIKAMLAL MAKWANA

Versus

STATE OF GUJARAT

Appearance:

MR MB PARIKH for Petitioners No. 1-2

Mr.N.D. Gohil, ASSTT GOVERNMENT PLEADER for Respondents No. 1-3

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 27/09/2001

ORAL JUDGEMENT

The present petition is filed seeking a direction against respondent no.2 that the posts which are kept reserved for backward candidates and physically handicapped candidates be not filled through other candidates and respondent no.2 be directed to fill the vacant posts from the candidates of scheduled castes and physically handicapped candidates. The petitioners placed reliance of the Government notice in this regard, which are produced at Annexure 'L', page 24, which provides for reservation for scheduled castes and scheduled tribes which prohibits conversion of reserved posts to the unreserved category of posts. Annexure 'M'

provides for maintaining percentage of the scheduled castes and scheduled tribes persons in the State Services as well as in the District Services at district level according to the recommendations of Sadhvani Committee.

2. Affidavit in reply is filed by Mr.M.V. Vaghela, Under Secretary to the Govt. of Gujarat, Roads & Buildings Department, wherein it is stated that,

> ".. .. I state that the petitioners are seeking to be appointed on supernumerary posts which are not yet in existence. .. .."

It is also stated in the said affidavit that.

> " .. the advertisement pursuant to which the petitioners have made applications is an advertisement for filling up of supernumerary posts which are yet to be sanctioned and not for recruitment of persons to fill up existing vacancies."

3. In view of the averments made in the affidavit in reply, the present petition is without any substance and the same is dismissed. Rule is discharged with no order as to costs.

(Ravi R. Tripathi, J.)
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